



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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LOS ANGELES, CALIFORNIA 90012-2713

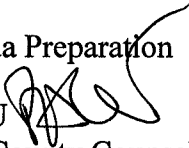
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July 16, 2012

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Jaime Zurita v. County of Los Angeles, et al.
United States District Court Case No. CV 1101552

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jaime Zurita v. County of Los Angeles, et al., United States District Court Case No. CV 1101552, in the amount of \$400,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jaime Zurita v. County of Los Angeles, et al.
CASE NUMBER	Case No. CV1101552
COURT	United States District Court
DATE FILED	Complaint filed February 22, 2011 Claim filed August 26, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	Michael Mills Law Offices of Michael Mills
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>Plaintiff Jaime Zurita claims he was detained without probable cause and subjected to excessive force by Sheriff's Deputies. Mr. Zurita alleges federal civil rights violations and State law causes of action for false arrest, assault and battery.</p> <p>The Deputies contend that there was probable cause to arrest Mr. Zurita and that the force used to overcome Mr. Zurita's resistance was reasonable.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a</p>

federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$400,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	29,124.50
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PAID COSTS, TO DATE	\$	15,426.80
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Case Name: Jaime Gonzalez Zurita v. County of Los Angeles



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Saturday February 28, 2009; approximately 11:58 p.m.
Briefly provide a description of the incident/event:	<p><u>Jaime Gonzalez Zurita v. County of Los Angeles</u> Summary Corrective Action Plan No. 2012-013</p> <p>On Saturday, February 28, 2009, at approximately 11:58 p.m., two Los Angeles County deputy sheriffs returned to 2249 122nd Street, Los Angeles, to a report of cockfighting and illegal drug use. The deputies detained six to eight people.</p> <p>During their investigation, the deputies became involved in a violent altercation with one of the individuals being detained (plaintiff). With the assistance of two additional deputy sheriffs, the plaintiff was finally subdued and handcuffed.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The plaintiff was transported to St. Francis Medical Center for injuries to his head, face, and neck area.

In his lawsuit, the plaintiff alleged he was subjected to unreasonable force committed by members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:
(include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.


The facts in this case were reviewed by the Los Angeles County Sheriff's Department's Executive Force Review Committee. The committee concluded that the level of physical force used by the deputy sheriffs was reasonable, necessary, and in compliance with Department policy.

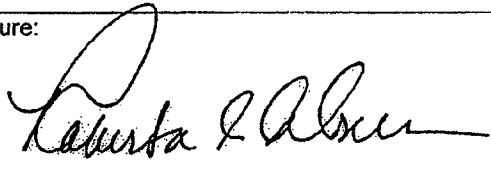
County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).


- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 6/8/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 6/11/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 6-18-2012

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